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2 3	BEFORE THE FEDERAL ELECTION COMMISSION										
4 5 6 7	In the Matter of) MUR 5389 Jose Casal)										
8 9 10 11 12	CONCILIATION AGREEMENT This matter was initiated by the Federal Election Commission ("Commission"),										
13	pursuant to information ascertained in the normal course of carrying out its supervisory										
14	responsibilities. The Commission found reason to believe that Respondent, Jose Casal,										
15	knowingly and willfully violated 2 U.S.C. § 441e(a).										
16	NOW, THEREFORE, the Commission and Respondent, having participated in										
17	informal methods of conciliation, prior to a finding of probable cause to believe, do hereby										
18	agree as follows:										
19	I. The Commission has jurisdiction over Respondent and the subject matter of this										
20	proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.										
21	§ 437g(a)(4)(A)(i).										
22	II. Respondent has had a reasonable opportunity to demonstrate that no action should be										
23	taken in this matter.										
24	III. Respondent enters voluntarily into this agreement with the Commission.										
25	IV. The pertinent facts in this matter are as follows:										
26	Actors										
27	1. Jose Casal is a Venezuelan citizen and national, and one of the primary investor										
28	in Victec Environmental Services, Inc. ("Victec"). Mr. Casal was not lawfully admitted for										

permanent residence in the United States as defined by 8 U.S.C. § 1101(20) in July 2000.



MUR 5389
Jose Casal
Conciliation Agreement

- 2. Luis Thula is the former President of Victec, and Mr. Casal's son-in-law.
- 2 3. Ray Rodriguez, Pedro Rodriguez, Hector Munio. George Pattis, and Carolina
- 3 Caceres were all Victec employees at the time the conduct at issue in this matter took place.
- 4 Ana Rodriguez is the spouse of Pedro Rodriguez and was not a Victec employee during the
- 5 relevant time period.

6 Applicable Law

- Under the Federal Election Campaign Act of 1971, as amended (the "Act")¹.
- 8 foreign nationals may not make contributions, directly or through any other person, in
- 9 connection with an election to any political office. 2 U.S.C. § 441e(a).
- 5. "Foreign national" includes, inter alia, an individual who is not a citizen of the
- United States and who is not lawfully admitted for permanent residence as defined by
- 12 8 U.S.C. § 1101(a)(20).
- 13 6. The Act's prohibition on contributions by foreign nationals is not limited to federal
- elections, and includes local and State elections. 11 C.F.R. § 110.4(a).

15 Events Regarding Violations

- 7. During the 2000 election cycle, Respondent Jose Casal sought to contribute \$2,500
- 17 to the campaign committee of Miami-Dade County Mayor Alex Penelas (the "Penelas
- 18 Committee").



All of the facts recounted in this agreement occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. 107-155, 116 Stat. 81 (2002). Accordingly, unless specifically noted to the contrary, all citations to the Act herein are to the Act as it read prior to the effective date of BCRA and all citations to the Commission's regulations herein are to the 2002 edition of Title 11. Code of Federal Regulations, which was published prior to the Commission's promulgation of any regulations under BCRA.

MUR 5389
Jose Casal
Conciliation Agreement

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1	. \$	Īr	order to	make	this cor	itribution.	Мτ	Casal	asked	l nis	Thula to	locate	five
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- 2 individuals through whom he could make five \$500 campaign contributions the maximum
- 3 allowable under Florida law.
- 9. Mr. Casal also gave Thula \$2,500 in cash for use in reimbursing the requested
- 5 contributions.
- 6 10. Thula solicited five Victec employees: Ray Rodriguez, Hector Munio, George
- 7 Pattis, Carolina Caceres, and Pedro Rodriguez (through his wife, Ana), to make the
- 8 contributions in question.
- 9 11. As requested, these individuals wrote \$500 checks to the "Alex Penelas
- 10 Campaign."
- 11 12. On July 17, 2000, Mr. Thula presented these checks to a Penelas Committee
- 12 representative. In its July 2000 Campaign Treasurer's Report to the Florida Elections
- 13 Commission, the Penelas Committee attributed these contributions to the five individuals
- 14 named above.
- 15 13. Mr. Thula reimbursed the contributors within days of their contributions with the
- 16 cash provided by Mr. Casal.
- 17 14. As such, Mr. Casal contributed a total of \$2,500 to the campaign committee of a
- 18 candidate in a U.S. local election and did so via a scheme that disguised these contributions as
- 19 permissible contributions.
- 20 Violation
- 21 V. Respondent Jose Casal knowingly and willfully violated 2 U.S.C. § 441e(a) by
- 22 contributing \$2,500 to the Penelas Committee through Ray Rodriguez, Ana Rodriguez.

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- Hector Munio, George Pattis, and Carolina Caceres. Respondent will cease and desist from
- 2 violating 2 U.S.C. § 441e.

3 <u>Civil Penalty</u>

- 4 VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount
- of Eight Thousand Two Hundred Fifty dollars (\$8.250), pursuant to 2 U.S.C. § 437g(a)(5)(B).
- 6 Such penalty shall be paid as follows:
- 7 1. An initial payment of Four Thousand One Hundred Twenty-Five Bollars (\$4,125) is due immediately upon signing the agreement.
- Thereafter, no more than thirty days (30) from the date this Agreement becomes effective, Respondent shall pay the remaining Four Thousand
 One Hundred Twenty-Five Dollars (\$4,125).
- 13 Commission on or before the date it becomes due, the Commission
 14 may, at its discretion, cause the entire unpaid balance of the civil
 15 penalty to become due upon ten (10) days written notice to Respondent.
 16 Failure by the Commission to accelerate payment with regard to the
 17 balance due shall not be construed as a waiver of any kind.

Other Provisions

- 19 VII. Pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), this agreement, unless violated, is a complete
- 20 bar to further action by the Commission against or concerning Respondent Jose Casal in
- 21 connection with the facts in this matter.
- 22 VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1)
- 23 concerning the matters at issue herein or on its own motion, may review compliance with this





- agreement. If the Commission believes that this agreement or any requirement thereof has ŀ
- been violated, it may institute a civil action for relief in the United States District Court for 2
- 3 the District of Columbia.
- This agreement shall become effective as of the date all parties hereto have executed 4 IX.
- 5 same and the Commission has approved the entire agreement.
- 6 X. Respondent shall have no more than 30 days from the date this agreement becomes
- 7 effective to comply with and implement the requirement contained in this agreement and to so
- 8 notify the Commission.
- 9 XI. This Conciliation Agreement constitutes the entire agreement between the parties on
- 10 the matters raised herein, and no other statement, promise, or agreement, either written or
- 11 oral, made by either party or by agents of either party, that is not contained in this written
- 12 agreement shall be enforceable.
- 14 FOR THE COMMISSION:
- 15 Lawrence H. Norton
- General Counsel 16

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Associate Coneral Counsel

20 for Enforcement 21

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23 FOR RESPONDENT:

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